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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,923

03/24/2005

Liselotte Blaklev

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8939

25570 7590 02/15/2008  
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EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

02/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Dbeltran@rmhlaw.com  
LGaughan@rmhlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,923	<b>Applicant(s)</b> BLAKLEV ET AL.	
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/8/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to because of the following informalities: Claim 1 recites “the game” at line 6, which lacks antecedent basis. To avoid a rejection under 35 U.S.C. 112, the Applicant is requested to modify “during playing the game” to “during playing banko or bingo”. Appropriate correction is required.

Claims 1-10 are objected to because of the following informalities: Claims 1-10 include many run-on type sentences. A claim may not contain more than one sentence, however, should be proper in grammar. The Applicant is requested to break up sequential "where" and "which" statements using proper punctuation for the purpose of being grammatically consistent. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: Claim 9 currently depends from claim 7, however, this appears to be a typographical error, as claim 9 further defines the flip-flops introduced in claim 8. Thus, it appears claim 9 should depend from claim 8. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Floyhar (U.S. Patent No. 4,838,557).

**Claim 1:** Floyhar discloses an electronic board for playing banko or bingo comprising rows and columns forming squares containing numbers (figures 1 & 2, where the game grid shown in figure

1 is placed onto the device shown in figure 2 to create an electronic board for playing bingo) and which board comprises printed numbers in at least some of the squares formed in the rows and columns of the board (i.e. where the printed bingo grid is placed on the game device, thus the electronic board includes squares comprising printed numbers in at least some of the squares), when in use during playing the game, a caller transmits drawn numbers to the players, where players mark drawn numbers on the board, where a game ends when a player has marked a defined number of rows or columns and contacts the caller (column 3, lines 38-50, where the operator calling numbers is equivalent to “transmitting drawn numbers to players” where the transmitting is audible transmitting), wherein at least the squares containing printed numbers in the rows and columns comprise electronic switches activated by pressing down the squares containing the numbers, which switches in operation activate marking elements placed in conjunction with the pressed squares (column 3, lines 38-61, where the electronic game board includes push buttons associated with each square to essentially mark the particular square as being drawn by the operator), which marking elements remain activated during the game where the board comprises a reset function for deactivating all marking elements simultaneously to achieve a fast start of the next game by using the board (figure 2[on/off switch 38] is considered to be equivalent to a reset function, since it appears that turning off the device resets the lighting states associated with the switches).

**Claim 2:** Floyhar discloses reactivating a numbered square leads to deactivating the marking element (column 2, lines 12-15).

**Claim 3:** Floyhar discloses the marking elements are LED elements placed in holes in the surface of the board, where the LEDs transmit light upwards from the board towards the player (column 3, lines 55-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 & 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Floyhar, as applied to claims 1-3, where applicable, in view of Itkis (U.S. Patent No. 4,624,462).

**Claims 4 & 10:** Floyhar discloses the invention substantially as claimed except for the technique of using the marking elements such that the marking elements are LCD indicators placed in conjunction with the printed numbers on the board. However, in an analogous electronic game board for playing bingo, Itkis discloses the use of transparent bingo cards overlaying an LCD display such that area of discovered matches between drawn numbers and bingo card numbers is darkened to visually show a marked game card (column 1, lines 43-50). Floyhar discloses a different technique of having semi-transparent bingo cards on top of a board having LEDs to visually show marked numbers. It would have been within the ordinary level of skill to an electronic bingo board designer to have interchanged well known techniques of visually representing marked positions within the bingo card. The technique taught by Itkis is capable of replacing the technique taught by Floyhar for performing the same purpose of marking or representing matched drawn bingo numbers. The substitution would have produced a predictable or expected, thus, the modification is not considered to be critical and would not have led to any unexpected results. Therefore, it would have been *prima facie* obvious at the time the invention was made to modify the device disclosed by Floyhar in which representation of marked numbers was through LED illumination with the teaching of Itkis of representing marked numbers via an LCD

indicator for at least the purpose of improving upon an older method of achieving the same result.

Regarding claim 10, Itkis discloses a microprocessor that controls the LCD indicators or marking elements (abstract).

**Claim 5:** Itkis discloses the LCD display is formed under the numbers, where the numbers are printed on a transparent medium, where the LCD by activation causes the background under and around the number to become black, which numbers become partly invisible (column 3, lines 35-51 & figure 4). As the LCD indicator is a modification to Floyhar as discussed above, the activation upon a switch is implicit as the Floyhar discloses activation of marking via switches, thus a similar activation would be obvious within the modification described above.

**Claims 6 & 7:** The combination of Floyhar & Itkis discloses the invention substantially as claimed and discussed above with respect to claims 4 & 5, however, the combination fails to disclose specifically that the LCD indicator darkens (i.e. marks) the display area under a number by darkening a circle that circles the number or by darkening dots associated with the number. However, regardless of such a deficiency, it would have been a mere matter of design choice to one of ordinary skill in the art. The specific visual manner in which the numbers are marked, be it a large square, a circle, or dots is a mere design consideration and not considered to be a critical component to the claimed invention. It would be obvious to those skilled in the art to use any conceivable indicator that would fit into the symbol display area, such as other non-circle or non-dot symbols that conform to a general theme or are for the pure purpose of aesthetics. See MPEP 2144.04, section I directed to aesthetic design changes. It has been held in court that matters relating to ornamentation only which have no function cannot be relied upon to patentably distinguish the claimed invention from the prior art. While, the indicators have a function, the specific arrangement or symbol of the indicator is considered to have no function, thereby is non-

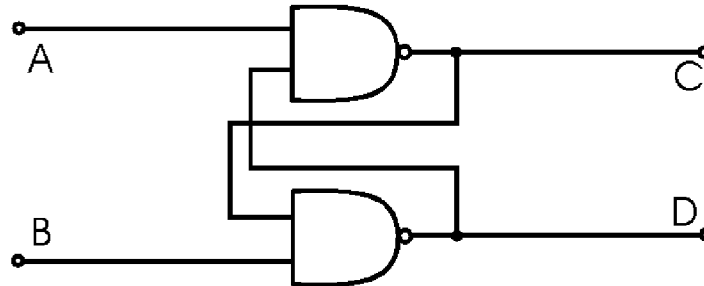
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critical. For at least these reasons, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to obtain the invention as specified in claims 6 or 7.

Claims 8 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyhar, as applied to claims 1-3, where applicable.

**Claims 8 & 9:** Floyhar discloses the invention substantially as claimed except for explicitly disclosing the switches are connected to flip-flop input terminals, the marking elements are connected to flip-flop output terminals, and the reset switch is connected to the flip-flop's reset terminal. However, regardless, such an arrangement would have been notoriously well known in the art of electrical circuit design. Flip-flops are notoriously well known elements in circuit design, thus, one possible arrangement for proper operation of the switches, the marking elements, and the reset switch would have been the claimed arrangement. This specific arrangement, however, does not appear to be critical to the invention, such as other materially different circuits are capable of performing the same task. Before flip-flops were around, the circuit would have been created using a materially different technique, thus, the use of flip-flops in this arrangement appears to be an improvement on older techniques or methods of achieving the same operation between the various elements. Further, it appears there would be a limited number of different circuits that would achieve the same result and still maintain cost effectiveness. Thus, it has been held in court that a person of ordinary skill has good reason to pursue the known options within his or her technical grasp and if this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the circuit disclosed by Floyhar (figure 4) with a materially different circuit via circuit design as is known in the circuit

design arts for at least the reasons of improving on known circuits or providing cost effective circuits. Regarding claim 9, as discussed above the “flip-flop” is a notoriously well known electrical circuit, which is known to be comprised of multiple NAND gates as exemplified below (one of many types of flip-flops), thus, claim 9 does not patentably distinguish over the prior art.



[An R-S flip-flop using two NAND gates]

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached "Notice of References Cited" which includes multiple additional relevant prior art references directed to electronic bingo boards. The Applicant is requested to review these references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/MBS/